

**SUBSTITUTE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 2768
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the
following:

**1 SECTION 1. COORDINATION WITH BUREAU OF LAND MAN-
2 AGEMENT.**

3 The Mine Safety and Health Administration shall
4 regularly consult with the Bureau of Land Management
5 concerning the safety status of mines in order for the Ad-
6 ministration to maintain an awareness of any safety con-
7 cerns observed by Bureau of Land Management personnel.

**8 SEC. 2. STUDY OF DEEP MINE CONDITIONS BY TECHNICAL
9 STUDY PANEL.**

10 (a) ESTABLISHMENT OF TECHNICAL STUDY
11 PANEL.—There is established a Technical Study Panel
12 (hereafter referred to as “the Panel”) which shall provide
13 independent scientific and engineering review and provide
14 recommendations to the Mine Safety and Health Adminis-
15 tration to evaluate the risk assessment procedures of deep
16 mine conditions.

17 (b) MEMBERSHIP.—

1 (1) IN GENERAL.—The Panel shall be composed
2 of—

3 (A) two individuals to be appointed by the
4 Secretary of Health and Human Services, in
5 consultation with the Director of the National
6 Institute for Occupational Safety and Health
7 and the Associate Director of the Office of Mine
8 Safety;

9 (B) two individuals to be appointed by the
10 Secretary of Labor, in consultation with the As-
11 sistant Secretary for Mine Safety and Health;

12 (C) one individual appointed jointly by the
13 majority leaders of the Senate and House of
14 Representatives; and

15 (D) one individual to be appointed jointly
16 by the minority leader of the Senate and House
17 of Representatives.

18 (2) QUALIFICATIONS.—Four of the 6 individ-
19 uals appointed to the Panel under paragraph (1)
20 shall possess a masters or doctoral level degree in
21 mining engineering or another scientific field demon-
22 strably related to the subject of the report. No indi-
23 vidual appointed to the Panel shall be an employee
24 of any coal or other mine, or of any labor organiza-

1 tion, or of any State or Federal agency primarily re-
2 sponsible for regulating the mining industry.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date on which all members of the Panel are ap-
6 pointed under subsection (b), the Panel shall pre-
7 pare and submit a report concerning deep mine con-
8 ditions to the Secretary of Labor, the Secretary of
9 Health and Human Services, the Committee on
10 Education and Labor of the House of Representa-
11 tives and the Committee on Health, Education,
12 Labor, and Pensions of the Senate.

13 (2) RESPONSE BY SECRETARY.—Not later than
14 180 days after the receipt of the report under para-
15 graph (1), the Secretary of Labor shall provide a re-
16 sponse to the report submitted under paragraph (1)
17 to the Committee on Education and Labor of the
18 House of Representatives and the Committee on
19 Health, Education, Labor, and Pensions of the Sen-
20 ate. Such response shall contain a description of the
21 actions, if any, that the Secretary intends to take
22 based upon the report, including proposing regu-
23 latory changes, and the reasons for such actions.

24 (d) COMPENSATION.—Members appointed to the
25 Panel, while carrying out the duties of the Panel shall be

1 entitled to receive compensation, per diem in lieu of sub-
2 sistence, and travel expenses in the same manner and
3 under the same conditions as that prescribed under section
4 208(c) of the Public Health Service Act.

5 **SEC. 3. STUDY OF RETREAT MINING AND PILLARING.**

6 (a) STUDY.—The National Institute for Occupational
7 Safety and Health shall conduct a study of the recovery
8 of coal pillars through retreat room and pillar mining
9 practices in underground coal mines at depths greater
10 than 1,500 feet. The study shall examine the safety impli-
11 cations of retreat room and pillar mining practices, with
12 emphasis on the impact of full or partial pillar extraction
13 mining. The study shall consider, among other things—

- 14 (1) seam thickness;
- 15 (2) depth of cover;
- 16 (3) strength of the mine roof, pillars, and floor;
- 17 (4) the susceptibility of the mine to seismic ac-
18 tivity;
- 19 (5) a sensitivity analysis on input parameters
20 such as strength of the coal, the size the pillar core,
21 the strength of roof and floor rock members, abut-
22 ment pressure from caved areas, and the horizontal
23 stress; and
- 24 (6) the procedures used to ensure miner safety
25 during retreat mining.

1 (b) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the National Institute for Occu-
3 pational Safety and Health shall submit a report con-
4 taining the results of the study to the Secretary of Labor
5 and Committee on Education and Labor of the House of
6 Representatives, and the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate.

8 (c) REPORT BY THE SECRETARY OF LABOR.—Not
9 later than 180 days after receipt of the report required
10 under subsection (b), the Secretary of Labor shall report
11 to the Committee on Education and Labor of the House
12 of Representatives and the Committee on Health, Edu-
13 cation, Labor, and Pensions of the Senate what actions,
14 if any, that the Secretary intends to take based on the
15 report.

16 **SEC. 4. DISSEMINATION OF ACCIDENT INFORMATION.**

17 Section 103 of the Federal Mine Safety and Health
18 Act of 1977 (30 U.S.C. 813) is amended by adding at
19 the end the following:

20 “(1)(1) All information concerning the accident or in-
21 cident obtained by any person or organization partici-
22 pating in an investigation under this section shall be
23 transmitted to the representative of the Administration co-
24 ordinating the rescue effort or subsequent accident inves-
25 tigation. Parties to the investigation may relay to their

1 respective organizations information necessary for pur-
2 poses of prevention or remedial action. No information
3 concerning the accident or incident may be released to any
4 person not a party to the investigation or representative
5 of such party prior to the release of such information by
6 the Administration without the prior consultation with
7 and approval of the Administration.

8 “(2) For purposes of this subsection, parties to the
9 investigation include the mine owner, mine operator, em-
10 ployees of that mine, first responders, mine rescue team
11 members, or others participating in the rescue and recov-
12 ery effort.”.